



Written by [John J. Dwyer](#) on November 16, 2012

## Abraham Lincoln, Stepfather of Our Country

*"Anyone who embarks on a study of Abraham Lincoln ... must first come to terms with the Lincoln myth. The effort to penetrate the crust of legend that surrounds Lincoln ... is both a formidable and intimidating task. Lincoln, it seems, requires special considerations that are denied to other figures."*

— Robert W. Johannsen

*Lincoln, the South, and Slavery*



Indeed, it would not seem a safe time to critique the wisdom, motivations, and character of Abraham Lincoln. Steven Spielberg's reverential motion picture epic *Lincoln* fills screens across America. The public increasingly accepts him as America's greatest leader. Academics from the Left — and Right — compete to bestow the grandest laurels on the 16th president.

Yet, such a pursuit is ever more important for a people hurtling forward into an uncertain future, to learn from past mistakes or merely become aware they made them. One growing consensus regarding Lincoln seems credible: He has exerted more influence over the development of this nation than any other person, including the Founders. If Washington be the father of our country, surely Lincoln is its stepfather.

This article will examine the significance of this truly larger-than-life figure's actions regarding three of the many important issues of his time: 1) the Constitution, in particular during the War Between the States, 2) emancipation and blacks, and 3) the Radical Republicans and Reconstruction.

### The Constitution

"I am the President of the United States of America — clothed in *immense* power!" Spielberg's Lincoln thunders. The real Lincoln proved the truth of that claim within days of the April 12, 1861 attack on Fort Sumter. In fact, the attack might have been avoided if he had not decided to reinforce Sumter. Once it occurred, he quickly unleashed a series of watershed actions that forever altered the nature of American government.

On April 13, he declared the seceding states in a condition of rebellion and called for 75,000 troops to deal with them — a declaration expressly reserved to Congress by the Constitution: "The Congress shall have the power ... To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions."

On April 15, he called for Congress to return to session — but only on July 15, months after Ft. Sumter .

On April 19, he declared a naval blockade of the South.

On April 21, he instructed the U.S. Navy to buy five warships — an appropriations act needing congressional approval.

On April 27, he began the unprecedented act of suspending the constitutional right of habeas corpus.

On May 3, he called up thousands more troops — for three-year hitches — another act the law did not authorize the president to commit.



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At about the same time, he ordered the Department of Treasury to pay two million dollars to a New York City company to outfit and arm his army — another appropriations act needing congressional approval.

Each one of these acts — and many more soon to follow — violated the U.S. Constitution. The majority of the U.S. public supported him, however, as the American people have supported other presidents since, when they felt the need to break the Constitution “for the public good.”

This early series of moves proved breathtaking in its shrewd efficiency. For instance, by not calling Congress back into session until July, Lincoln presented it with a *fait accompli* upon its return: a war months old from which there was now no turning back, unless Lincoln decided such, which he had no intention of doing. Whether or not Congress would have declared war on the South as had Lincoln, it now saw no choice but to fight.

Even Massachusetts’ Senator Charles Sumner, one of the spearheads of the Radical postwar Reconstruction and certainly no friend of the South, said: “When Lincoln reinforced Sumter and called for 75,000 men without the consent of Congress, it was the greatest breach ever made in the Constitution, and would hereafter give the President the liberty to declare war whenever he wished, without the consent of Congress.”

All this came from the hand of Lincoln, a man who as a U.S. congressman in 1848 declared: “Any people anywhere, being inclined and having the power, have the right to rise up and shake off the existing government, and form a new one that suits them better. This is a most valuable, a most sacred right — a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people, that can, may revolutionize and make their own so much of the territory as they inhabit.”

In his landmark book [The Real Lincoln](#), Loyola College economics professor and Lincoln scholar Thomas DiLorenzo recounted how Lincoln also unlawfully “nationalized the railroads; created three new states without the consent of the citizens of those states in order to artificially inflate the Republican Party’s electoral vote; ordered Federal troops to interfere with Northern elections to assure Republican Party victories; deported Ohio Congressman Clement L. Vallandigham for opposing his domestic policies (especially protectionist tariffs and income taxation) on the floor of the House of Representatives; confiscated private property, including firearms, in violation of the Second Amendment; and effectively gutted the Tenth and Ninth Amendments as well.”

### **Maryland, My Maryland**

Soon, the Lincoln administration crossed yet another historic line. Without notifying targeted members of the Maryland legislature of charges, or indeed possessing any charges, its troops hauled dozens of legislators it suspected of supporting secession out of their homes in front of their families in the darkness of night and threw them into prison.

The prison was temporarily located at Fort McHenry, from where Francis Scott Key wrote “The Star Spangled Banner.” In fact, Key’s own grandson would be among the host flung into captivity at the fort. He would write eloquently in *American Bastille* of how much the nation had changed in less than a half century, as he looked upon the U.S. flag flying at the same location as it was when his grandfather wrote his famous stanzas.

Thousands of Federal soldiers from other states voted in Maryland’s November 1861 elections, while local residents had to pass through formations of bayonet-brandishing Federals to cast their ballots. The



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Maryland legislature, prior to its collective jailing by Lincoln, declared: “Resolved, that Maryland implores the President, in the name of God, to cease this unholy war, at least until Congress assembles; that Maryland desires and consents to the recognition of the independence of the Confederate States. The military occupation of Maryland is unconstitutional, and she protests against it, though the violent interference with the transit of federal troops is discountenanced, that the vindication of her rights be left to time and reason, and that a Convention, under existing circumstances, is inexpedient.”

## **Opposing Supreme Court**

Only weeks after the war commenced in 1861, Lincoln suspended the writ of habeas corpus, one of the foundational pillars of American — and Western — liberty, and preeminent among all provisions of the Bill of Rights. The right of habeas corpus (Latin for “you may have the body”) is sourced in England’s ancient Magna Carta. It requires a warrant be issued by a legitimate law-enforcement authority before a person can be arrested, prevents the jailing of a person without his being charged with a specific crime, and prohibits indefinite detention of that person without the opportunity of appearing before a legally convened court for the exercise of his rights and the hearing of his case.

Despite the central place of habeas corpus in American liberty and an armada of opinion ranging from British jurist William Blackstone to American Chief Justice John Marshall to President Thomas Jefferson that only Congress — and never the president — could suspend habeas corpus, Lincoln’s administration did just that in thousands of cases against the citizens of *Federal* states. (The power to suspend habeas corpus “when in Cases of Rebellion or Invasion the public Safety may require it” is in Article I, the section of the Constitution enumerating congressional power.)

Federal troops arrested Marylander John Merryman without a warrant, jailed him — at Fort McHenry — and kept him there without opportunity for trial or defense. He appealed to the esteemed Supreme Court Chief Justice Roger B. Taney, who had already freed his own slaves.

It is difficult to conceive of the political climate in which Taney received this plea. Every day, Federal officers hauled citizens of every stripe — politicians, newspaper publishers, attorneys, business owners, common workers — from their homes and places of business for voicing the slightest criticism of the U.S. government or Lincoln, flung them into jail, and left them there. Taney had no illusions but that that fate likely awaited him if he crossed the president. Yet he ordered the release of the jailed man. Lincoln commanded his soldiers to refuse. The chief justice then penned *Ex Parte Merryman*, an opinion now famous in constitutional law. Delivered directly to Lincoln at his office, it informed the president that he, not Merryman, was breaching the law and the Constitution, and it ordered Merryman’s release.

At this point, Lincoln did issue a warrant of arrest — for Taney. Lincoln apologists deny this action, but contemporary witnesses corroborate it. Though longtime Lincoln colleague and Federal Marshal of Washington Ward Hill Lamon declined to serve the warrant, Lincoln had established that neither Congress, the Supreme Court, nor the Constitution would stand in the way of his carrying out the actions he deemed best for the country.

Chief Justice Roger Brooke Taney, 85 years old when President Lincoln issued the warrant for his arrest and dead before the end of the war, wrote in *Ex Parte Merryman*: “If the President of the United States may suspend the writ [of habeas corpus], then the Constitution of the United States has conferred upon him more regal and absolute power over the liberty of the citizen than the people of England have thought it safe to entrust to the crown — a power which the Queen of England cannot exercise to this



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day, and which could not have been lawfully exercised by the sovereign even in the reign of Charles the First."

That king got beheaded for his dictatorial actions.

The Lincoln administration continued to express great concern over Northerners who did not exhibit what it considered sufficient loyalty, or sufficiently enthusiastic loyalty, to the United States and its war effort. After suspending habeas corpus, the president and his lieutenants shut down over 300 *Northern* newspapers during the struggle, throwing many of their editors and publishers in jail or prison without trials and often without charges. Approximately 13,000 other Northern citizens met the same fate.

Lincoln's justification: "Measures, however unconstitutional, might become lawful by becoming indispensable to the preservation of the Constitution, through the preservation of the nation."

## **Blacks and Slavery**

Abraham Lincoln's own words on the issue of African-American slavery would shock anyone who accepts the popular myth that Lincoln was the "Great Emancipator." While he never uttered a word against the Illinois law that made it a crime for blacks to settle in his home state, he did declare, in Springfield, on July 17, 1858: "What I would desire most would be the separation of the white and black races."

During his famed 1858 Illinois Senate debates with Stephen Douglas, Lincoln offered eloquent criticism of American slavery, while demonstrating how different his anti-slavery views were from those of abolitionists who sought not only freedom, but political and social equality, for blacks:

Make Negroes politically and socially our equals? My own feelings will not admit of this. I will say that I am not nor ever have been in favor of bringing about in any way the social and political equality of the white and black races, that I am not nor have ever been in favor of making voters or jurors of Negroes, nor of qualifying them to hold office, nor to intermarry with white people. And I will say in addition to this that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality. And in as much as they cannot so live, while they do remain together, there must be the position of superior and inferior. And I, as much as any other man, am in favor of having the superior position assigned to the white race.

Did his views change later, as president? In 1862, he declared: "My paramount object in this struggle is to save the Union and is not either to save or destroy slavery. If I could save the Union without freeing any slaves, I would do it. And if I could save it by freeing all the slaves, I would do it. And if I could save it by freeing some and leaving others alone, I would also do that."

## **Emancipation Proclamation**

Yet, he "freed" the slaves the following year. Evidence abounds, from Lincoln's own words as well as his actions, that something besides a desire to end African-American bondage fueled his historic Emancipation Proclamation. U.S. Senate Republicans launched a revolt against Lincoln in mid-December 1862, just before he signed the proclamation into law.

According to Lincoln's old friend, Illinois Representative Orville Browning, and others, the senators demanded the president conduct a more resolute war effort, including emancipating all African-American slaves in America. They apparently threatened to bring down his administration otherwise.

Orville Browning's diary of December 31, 1862 recorded that Judge Benjamin Franklin Thomas of the



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Massachusetts Supreme Court told the regretful Browning: “The President was fatally bent upon his course, saying that if he should refuse to issue his proclamation there would be a rebellion in the north, and that a dictator would be placed over his head within the week.”

This enhanced, Radical Republican-dominated effort evidently included emancipation as a method of war that would torpedo the South’s economy and ability to defend itself. A slave uprising lay within the sphere of this projection. A howling chorus of protest arose to the proclamation not only from the South, but from many of Lincoln’s opponents in the North, as well as in Europe. Horatio Seymour, soon-to-be Democratic governor of New York, called the scheme “a proposal for the butchery of [white Southern] women and children, for scenes of lust and rapine, arson and murder, unparalleled in the history of the world.”

Relations between Southern slaves and their owners proved superior to such an eventuality. But Lincoln himself, when told the Constitution gave individual states and not the national government jurisdiction over slavery, claimed emancipation as a war powers act that he as commander in chief could employ — for military purposes. Indeed, he eliminated from an early draft of the decree a call for a violent uprising of slaves.

Lincoln’s Emancipation Proclamation quelled the Senate revolt. But his lackluster feelings for it resurfaced when he eschewed the urgings of much of his Cabinet, including Seward, Chase, Blair, and Bates, and confined his decree to those slaves in Confederate-controlled territory. That is, he freed none of the slaves over which he had control when he had the opportunity.

Wrote Lincoln’s colleague Lamon: “None of [Lincoln’s] public acts, either before or after he became President, exhibits any special tenderness for the African race.... When he was compelled, by what he deemed an overruling necessity, founded on both military and political considerations, to declare the freedom of [only the Confederates’] slaves, he did so with avowed reluctance, and took pains to have it understood that his resolution was in no wise affected by sentiment.” Lamon’s perspective on Lincoln’s actions once again seems on solid ground, in view of the president’s 1861 revocation of Federal General John Fremont’s bold emancipation of slaves in Missouri. That countermanding infuriated abolitionists and conservatives alike in the North, albeit for different reasons.

A portion of the completed Emancipation Proclamation addressed another view Lincoln had in mind for Southern, but not Union border state, slaves — “impressment” into the Federal armies, often against their will. A horrendous 68,000 of the 186,000 African-Americans who shouldered arms for Lincoln’s armies died during the war. They provided significant manpower in the desperate struggle, however, and deprived the Confederates of their services.

In the end, Lincoln’s Emancipation Proclamation exhibited political sagacity and brilliance, hastened the demise of American slavery, probably triggered the deaths of tens of thousands more men — including many former slaves — than would otherwise have occurred, and likely contributed to America’s future morass in racial relations. In contrast, nearly every other Western Hemisphere nation that practiced slavery ended the practice peaceably. Britain, worldwide purveyors of the slave trade, did so as well, through the patient, often frustrating, but ultimately pacific emancipation effort spearheaded by the devout Christian William Wilberforce.

### **Freedom and Deportation**

But didn’t Lincoln yearn to keep slavery out of the new territories and states of the West? Yes, along with *all* black people. “Now irrespective of the moral aspect of this question as to whether there is a



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right or wrong in enslaving a Negro," he said, "I am still in favor of our new Territories being in such a condition that white men may find a home.... I am in favor of this not merely ... for our own people who are born amongst us, but as an outlet for free white people everywhere, the world over."

What if Congress refused to grant Lincoln's desire for this sprawling, whites-only enclave? "We shall nobly save, or meanly lose, the last best, hope of earth," he said.

Thus appears an even more startling revelation, as Lincoln stated in 1857 and many times before and after: "Let us be brought to believe it is morally right ... to transfer the African to his native clime ... however great the task may be. The children of Israel, to such numbers as to include four hundred thousand fighting men, went out of Egyptian bondage in a body."

Lincoln, as did other presidents before him, wished the permanent shipment of as much of the African-American population as possible to foreign lands, and colonies established for them.

He advocated "emancipation ... deportation ... and their places be ... filled up by free white laborers," in New York City in 1860.

"But if gradual emancipation and deportation be adopted, they [blacks] will have neither to flee ... till new homes can be found for them, in congenial climes, and with people of their own blood and race," he declared in his 1862 State of the Union address.

This long desire resounded through the halls of Congress when he asked that body the same year to pass a constitutional amendment "colonizing free colored persons, with their own consent, at any place or places without the United States."

President Lincoln "zealously and persistently devised schemes for the deportation of the Negroes, which the latter deemed cruel and atrocious in the extreme," his friend Lamon wrote.

Lenore Bennett, Jr., an African-American author and no conservative or friend of the Confederacy, wrote in his massive chronicle [Forced Into Glory, Abraham Lincoln's White Dream](#):

Lincoln proposed ... that the United States government buy the slaves and deport them to Africa or South America. This was not a passing whim. In five major policy declarations, including two State of the Union addresses and the preliminary Emancipation Proclamation, the sixteenth president of the United States publicly and officially called for the deportation of blacks. On countless other occasions, in conferences with cronies, Democratic and Republican leaders, and high government officials, he called for colonization of blacks or aggressively promoted colonization by private and official acts.

According to Bennett, the president put his plans into action when "three months after signing the Emancipation Proclamation, Lincoln became the first and last American president to officially deport native-born Americans for racial reasons, sending some 450 blacks, one-third of them women and children, to an island off the coast of Haiti to establish the first Lincoln colony. The island was a desolate place full of poisonous insects and snakes, and the whole affair ended in a comic-opera disaster, with scores of casualties and the survivors covered with bugs and suffering from various illnesses."

Lincoln didn't ignore free African-Americans, either. He lauded the American Colonization Society, established to ship blacks out of America, saying he "considered it no demerit in the society, that it tended to relieve slaveholders from the troublesome presence of the free Negroes." He was anything but bashful about the subject, declaring in his first State of the Union address: "[It] might well be well



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to consider, too, whether the free colored people already in the United States could not, so far as individuals may desire, be included in such colonization.”

### **Radical Reconstruction**

“By the gods, there will be no trouble now in running this government,” Radical Republican Senator Ben Wade promised, upon the murder of Abraham Lincoln by famed actor John Wilkes Booth. Wade scarcely overstated what lay ahead in the postwar United States with his wing of the dominant Republican Party in charge.

As America’s most terrible conflict ground to a blood-drenched conclusion in the spring of 1865, the military leaders of both sides wished for a return to productive lives for the Confederate population and a peaceful welcoming them back into the fold by Unionists. Lincoln also wished to put the war — which his side had won and which had devastated both the population and property of the Confederates — behind them, to welcome the South back into the social and commercial fold, and to resume building the United States, now with the Industrial Revolutionized might of the North, the Union preserved, and the slaves freed. But that war, for which Lincoln himself provided the guiding hand, had hurt too many and destroyed too many others. Countless Southerners would no doubt have put the same bullet into Lincoln’s head that John Wilkes Booth did. Among Booth’s last words upon his own death a few days later: “Tell Mother I died for my country.”

Radical Republicans had existed in sometimes uneasy alliance and sometimes tense conflict with the pragmatic president. They held ideological convictions he did not. Like Lincoln, they wished for a centralized national government, but for different reasons. They intended to wield it as a cudgel in pursuit of a generally socialistic political platform. As a group, they were social progressives and either abolitionists or strongly anti-slavery. Many did not share the traditionalist Christianity common to Northern conservatives and Southerners. For Radical Republicans, embittered and philosophically reinvigorated by the harrowing marathon of war, the death of Lincoln both cleared the way and further motivated them for harshly “reconstructing” a Confederacy that stood diametrically opposed to them in nearly every conceivable way.

With both the Confederates and Lincoln gone, the Radical Republicans unleashed a hurricane of change. They sent Southern congressmen home when the latter arrived in Washington, D.C., to resume representation of their states. Supposedly well-intentioned Radical programs like the Freedman’s Bureau and the Civil Rights Bill resulted in the legally sanctioned theft of vast tracts of land owned by former Confederates. When President Andrew Johnson opposed their unconstitutional actions, they stripped power from him — impeaching him in the House and coming within one Senate vote of removing him from office.

The Radicals put their heart into passing three new constitutional amendments that officially ended all American slavery, granted citizenship to African-Americans, and extended to them the right to vote. Ruthless and unconstitutional tactics riddled even these laudatory accomplishments, however; and many white former Confederates lost their own rights to vote and to hold office. Plus, one of the new amendments, the 14th, laid the groundwork for the federal government to greatly expand its own power through future amendments and court interpretations.

Dissatisfied with the response to their program from a crushed people now humiliated by military occupation and beset with economic calamity, the Radicals jettisoned the legal jurisdiction guaranteed to states by the Constitution; deprived hundreds, perhaps thousands, of Southerners of their



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constitutional right to trial by a jury of their peers for crimes ranging from assault to murder; filled juries with Radical sympathizers and supporters; and gave Republican President Ulysses S. Grant the unilateral right both to unleash martial law and to suspend the writ of habeas corpus. No Southern citizen had a right to redress in any of these situations.

This ruthless reign of one-party dominance led to carpetbag governments backed by the bayonet; a cavalcade of government-supported private-sector boondoggles, such as the railroads, mining, and Wall Street financial speculators; the robber barons; the Black Friday Stock Market Crash; the most corrupt presidential administration (Grant's) in U.S. history; the Gilded Age; the Ku Klux Klan; lasting enmity between the black and white races in the South; and the permanent recasting of what Radical leader Wendell Phillips branded "a covenant with death, and an agreement with hell" — the American Constitution.

### **Short and Sweet**

Upwards of 20,000 books have come off the printing presses about Abraham Lincoln, with seemingly as many opinions regarding the central driving force behind his historic actions. So what was it? Lincoln himself summed up his "political principles" when he first ran for political office, the Illinois State Legislature, in 1832: "I presume you all know who I am. I am humble Abraham Lincoln. My policies are short and sweet, like the old woman's dance. I am in favor of a National Bank, in favor of the Internal improvements system, and in favor of a high protective tariff."

Never for the next 30-plus years would he veer from that course. Historian DiLorenzo called Lincoln's presidential elections and success the triumph of mercantilism, the late 17th- and early 18th-century British system of massive dispensation of governmental favors to favored business allies.

Edgar Lee Masters concurred, chronicling how Lincoln dedicated his career to carrying forward Henry Clay's so-called American System of government: "Henry Clay was the champion of that political system which doles favors to the strong in order to win and keep their adherence to the government. His system offered shelter to devious schemes and corrupt enterprises. He was the beloved son, figuratively speaking, of Alexander Hamilton, with his corrupt funding schemes, his superstitions concerning the advantage of a public debt, and a people taxed to make profits for enterprises that cannot stand alone."

Lincoln's questionable actions regarding the Constitution and blacks; his unleashing of the Federal military in an unprecedented campaign of total war against the men, women, children, and aged of the Confederate states; and his humane desires for reconciling with the South — they all lay sourced in the headwaters of a strong, consolidated nation, even empire. It offered glittering jewels for its adherents, as well as unnoticed dangers, new firebells in the night. It does so still.

**John J. Dwyer** is the author of *The War Between the States: America's Uncivil War* (2005). A new edition of his book is scheduled for release in December.

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